

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

KAREN TESTERMAN  
LYNN-DIANE BRIGGS  
and WAYNE PAUL SAYA SR.,

Plaintiffs

V.

Case No. 1:23-cv-00499-JL-AJ

DAVID SCANLAN, SECRETARY OF STATE  
FOR NEW HAMPSHIRE  
and CHRIS AGER, NEW HAMPSHIRE  
REPUBLICAN STATE COMMITTEE

## Defendants

**OBJECTION OF DEFENDANTS CHRIS AGER AND NEW HAMPSHIRE  
REPUBLICAN STATE COMMITTEE TO PLAINTIFF BRIGGS’S MOTION TO  
“WAIVE” PROVISIONS OF FED. R. CIV. P. 6**

Defendants Chris Ager and the New Hampshire Republican State Committee (together, the “NHRSC”), object to plaintiff Lynn-Diane Briggs’s motion requesting that the court “waive” the time set by rule to file an answer. This objection rests on the following grounds.

Ms. Briggs moved the court on November 29, 2023, pursuant to “Fed. R. Civ. P. 6(B)(1) [sic]” – apparently – to either shorten or dispense with the time period prescribed by Fed. R. Civ. P. 12(a)(1) for an answer to plaintiffs’ original complaint. The motion does not cite Rule 12, nor does it explain how Rule 6(b), which provides for the extension of deadlines set by the rules can be applied to shorten or eliminate a response period. As a threshold matter, then, Ms. Briggs has failed to demonstrate that she is entitled to the relief she seeks under the rules.

The court need not reach the merits of the motion, however, because both defendants have since filed motions to dismiss under Rule 12(b) in lieu of answers and the plaintiffs have filed multiple assented-to motions to amend the original complaint. Accordingly, Ms. Briggs's motion to "waive" is now moot and should be denied for that reason.

Respectfully submitted,

CHRIS AGER, NEW HAMPSHIRE  
REPUBLICAN STATE COMMITTEE  
By Their Attorneys,

Date: December 15, 2023

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CERTIFICATE OF SERVICE

I hereby certify that the within document is being served electronically through the court's electronic filing system upon counsel of record and all other parties who have entered electronic service contacts in this docket. In addition, the following parties have been served by email and U.S. Mail:

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Date: December 15, 2023

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